

16th March 1964]

[Mr. Speaker]

would amount to not taking the oath and therefore he could not be permitted to take an oath and consequently sit in the House". However, the Court of Appeal on January 28, 1885, ruled that if Mr. Bradlaugh took his seat and voted as a Member, having gone through the form of making and subscribing the oath, which, he had previously admitted, had no binding effect upon his conscience, he would be liable upon information at the suit of the Attorney-General to the penalty imposed by the Parliamentary Oaths Act, 1866, Section 5.

The Constitution of a country is regarded as a symbol sacred to the nationalism of the State and if one does not respect such national symbols he does injury to the very conception of the unity of the State itself. The national character of the Constitution should be respected by one and all. Definite procedures have been laid down in the Constitution itself for amending the provisions and they must be followed whenever a party or members seek to amend the same. Burning a part of the Constitution does not amount to amending the Constitution. It is not proper way at all.

In the House a member has freedom of speech but this freedom is subject to the provisions of the Constitution and rules of procedure. But this freedom does not apply to speeches made outside the House. It may not be possible to take cognizance of activities of members which have no bearing on their legislative duties. The act complained of has no connection with the work of a legislator as a legislator. Such acts are subject to the operation of the law of the land. Members are answerable to such acts in the same way as other citizens.

Burning the Constitution is an offence. A Member should not state in the House that he will burn the Constitution; thereby he will be stating that he would be breaking the law. The freedom of speech should not be used for such purposes.

The matter raised by the hon. Member does not, therefore, involve any breach of privilege.

III.—ANNOUNCEMENT.

THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS (AMENDMENT) BILL, 1964.

MR. SPEAKER: I have to announce to the House that the Governor has given his recommendation for the introduction in, and consideration by, the Madras Legislative Assembly of the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1964.